

# United States Court of Appeals For the First Circuit

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No. 22-1713

CARLOS MARTINEZ-BERMUDEZ,

Petitioner,

v.

UNITED STATES,

Respondent.

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Before

Barron, Chief Judge,  
Lynch and Howard, Circuit Judges.

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## JUDGMENT

Entered: November 1, 2022

Petitioner Carlos Martinez-Bermudez seeks leave to file a second or successive 28 U.S.C. § 2255 motion based on Borden v. United States, 141 S. Ct. 1817 (2021) (interpreting 18 U.S.C. § 924(e)(2)(B)(i), which applies to some convictions under 18 U.S.C. § 922(g)), and United States v. Taylor, 142 S. Ct. 2015 (2022) (interpreting 18 U.S.C. § 924(c)(3)(A)). After careful review, we conclude that petitioner has failed to make the prima facie showing necessary to garner relief. See Evans-Garcia v. United States, 744 F.3d 235, 237 (1st Cir. 2014) (required prima facie showing is "a sufficient showing of possible merit to warrant a fuller exploration by the district court"). Petitioner has failed to demonstrate that the decisions upon which he attempts to rely are relevant to his case, which resulted in a single conviction under 18 U.S.C. §§ 2119(3) and 2 and did not result in convictions under 18 U.S.C. §§ 922(g) and/or 924(c). Further, petitioner has failed to demonstrate that the decisions he presses reflect "new rule[s] of *constitutional* law, made *retroactive* to cases on collateral review by *the Supreme Court*." 28 U.S.C. § 2255(h)(2) (emphasis added).

The application is **DENIED**.<sup>1</sup>

By the Court:

Maria R. Hamilton, Clerk

cc:

Carlos Martinez-Bermudez

Mariana E. Bauza Almonte

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<sup>1</sup> "Th[is] . . . denial of an authorization . . . to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari." See 28 U.S.C. § 2244(b)(3)(E).